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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,048	10/02/2003	John D. Inelli	ROYAL-4	7770

23599 7590 12/06/2004

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EXAMINER

VARNER, STEVE M

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/676,048

Applicant(s)

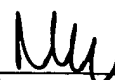
INELLI, JOHN D.

Examiner

Steve M Varner

Art Unit

3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 3, 4, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "molding strip" in line 3. There is insufficient antecedent basis for this limitation in the claim.

In claim 3, "a coupling," is indefinite.

Claim 4 depends from claim 3 and is therefore rejected.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7, 8, 11-14, are rejected under 35 U.S.C. 103(a) as being unpatentable over Riegelman, Jr.

Regarding claim 1, Riegelman, Jr. shows a top and bottom walls joined by side walls, the walls having an inner surface and an outer surface, an inner edge and an outer edge (Fig. 1).

Art Unit: 3635

Riegelman, Jr. shows a first exterior flange (22) disposed around the walls of the sleeve and extending laterally outward from the outer surfaces of the walls at a location intermediate the inner and outer edges of the walls, a second outer flange (20) located substantially at the outer edges of the walls and spaced from the first outer flange defining a gap there between, an inner flange (14) disposed adjacent to the outer edges of the walls and extending inwardly from the inner surface of the walls, the inner flange forming a stop (64) positioned in spaced relation to the inner flange (Fig. 3)

Regarding claims 7, 12, Riegelman, Jr. shows the inner surfaces of the walls extending from the inner edge to the inner flange are planar and unobstructed (Fig. 3).

Regarding claims 8, 11, Riegelman, Jr. shows the outer surfaces of the walls extending from the inner edge to the first outer flange are unobstructed (Fig. 3)

Regarding claim 13, Riegelman, Jr. shows the first outer flange is configured to receive fasteners (50) (Fig. 3).

Regarding claim 14, Riegelman, Jr. shows screws (50) (Fig. 3).

See Fig. 3 attached for the following.

Claims 1, 2, 11, 17-19, are rejected under 35 U.S.C. 102(b) as being anticipated by Card.

Regarding claim 1, Card shows a window frame (Col. 2, Line 20). It is inherent that there are top and bottom walls joined by side walls. Card shows the walls each having an inner surface and an outer surface, an inner edge (A) for positioning adjacent to the interior surface of the building wall, and an outer edge (14) for positioning adjacent to an exterior surface of the building wall, a first exterior flange (B) disposed

Art Unit: 3635

around the walls of the sleeve and extending laterally outward from the outer surfaces of the walls at a location intermediate the inner and outer edges of the walls, the first outer flange engaging and being secured to the exterior surface of the building wall to retain the sleeve within the opening; a second outer flange (C) located substantially at the outer edges of the walls and spaced from the first outer flange defining a gap there between for receiving sheathing (25) or an outer covering of the building, an inner flange (D) disposed adjacent to the outer edges of the walls and extending inwardly from the inner surface of the walls, the inner flange forming a stop for engaging the window unit position the window unit within the sleeve in proximity with the exterior surface of the building wall and an inside stop (10) arrangement positioned in spaced relation to the inner flange to define a spaced therebetween. (Fig. 3)

Regarding claim 2, Card shows the inner stop arrangement comprises a groove (10) in the inner walls (Fig. 3).

Regarding claim 11, Card shows the outer surfaces of the walls extending from the inner edge to the first outer flange are unobstructed complementing the opening through the enclosure wall (Fig. 3).

Regarding claim 17, Card shows wherein the sleeve arrangement further includes interior molding (30) in the form of retainer clips which act as interior molding being adapted to cover a portion of the interior surface of the building wall (Fig. 3).

Regarding claim 18, Card shows wherein the interior molding is attached to the window sleeve by a snap-in coupling (32).

Art Unit: 3635

Regarding claim 19, Card shows wherein the snap-in coupling comprises grooves in the outer edges (A) of the walls and resilient latching ribs on the molding (32), which are received in the grooves (Fig. 3).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over Card.

Regarding claim 5, Card shows wherein the first outer flange (B) has a nail (17) passing through nail fin (12 or B) (Col. 3, Line 50-60) (Fig. 2, 3). It would have been obvious that there would be a series of nails to attach the frame to the structure, and since the nails pass through the nail fin, it would be obvious to have perforations for the nails to pass through.

Regarding claim 6, Card shows wherein the fasteners (17) are nails, screws, studs or staples (Fig. 3).

Claims 9, 10, 15, 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Riegelman, Jr.

Regarding claims 9, 10, 15, 16, Riegelman, Jr. shows the basic claimed structure. Riegelman, Jr. does not show polyvinylchloride, which is well known in the art. It would have been obvious to one of ordinary skill in the art at the time the present

Art Unit: 3635

invention was made to use polyvinylchloride as is well known as a strong, durable, plastic material.

Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Card in view of Lagrue et al.

Regarding claim 20, Card shows the basic claimed structure. Card does not show wherein the top, bottom and side walls are a continuous extrusion having abutting edges positioned at cuts through the extrusion. Lagrue et al. shows abutting edges positioned at cuts through the extrusion (Abstract, Col. 6, Line 0-20). It would have been obvious to have a top, bottom, and side walls. It would have been obvious to one of ordinary skill in the art at the time the present invention was made to have abutting edges positioned at cuts through the extrusion to make a continuous frame.

Regarding claim 21, Cards show the basic claimed structure. Card does not show wherein the cuts are triangular and the abutting edges extend at 45 with respect to the longitudinal extent of the walls. Lagrue et al. shows the cuts are triangular and the abutting edges extend at 45 with respect to the longitudinal extent of the walls (Fig. 4(a), Col. 5, Line 64). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to cut at 45 to make a right angle around a frame.

Regarding claim 22, Card shows the basic claimed structure. Card does not show the cuts do not extend completely through the walls and terminate at apices of the cuts, wherein hinges occur at three of the apices and wherein the window sleeve arrangement is formed upon folding the continuous extrusion at the apices and joining

Art Unit: 3635

the edges with bonds, adhesives or mechanical fasteners. Lagrue et al. shows the cuts do not extend completely through the walls and terminate at apices of the cuts, wherein hinges occur at the apices and wherein the window sleeve arrangement is formed upon folding the continuous extrusion at the apices and joining the edges with bonds, adhesives or mechanical fasteners (Fig. 4a, 4b, Col. 6, Line 10-25). It would be obvious to one of ordinary skill in the art at the time the present invention was made to use cuts with hinges to fold the continuous extrusion about three hinges forming a rectangular frame.

Regarding claim 23, Card does not show wherein the walls are completely severed at the abutting edges and joined by bonds, adhesive or mechanical fasteners. Lagrue et al. shows completely severing (Fig. 5(a)). It would have been obvious to one of ordinary skill in the art at the time the present invention was made to completely sever as in Lagrue et al. in the structure of Card to form a clean right angle for the frame. It would have been obvious to join the abutting edges by bonds, adhesive to hold the extruded pieces in place.

Regarding claims 24, 25, Card does not show wherein the interior molding is pivoted on the walls at the inner edges thereof and wherein the interior moldings are coextruded with the walls of the window sleeve arrangement. Lagrue et al. shows wherein the interior molding (45) is pivoted on the walls at the inner edges thereof and wherein the interior moldings are coextruded with the walls of the window sleeve (43) arrangement (Fig. 5(c)). It would have been obvious to one of ordinary skill in the art at



Art Unit: 3635

the time the present invention was made to coextrude the window sleeve with the interior molding for efficiency of production.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kline shows a fastening device for fastening siding.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

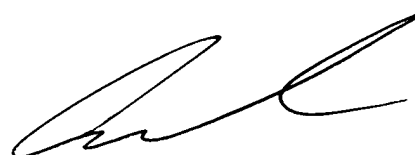
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Application/Control Number: 10/676,048  
Art Unit: 3635

Page 9

A handwritten signature in black ink, appearing to read 'Carl D. Friedman', with a stylized, cursive script.

Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600